

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WSOU INVESTMENTS, LLC, d/b/a BRAZOS
LICENSING AND DEVELOPMENT,

Plaintiff,

v.

F5 NETWORKS, INC.,

Defendant.

No.

**COMPLAINT FOR PATENT
INFRINGEMENT**

Plaintiff WSOU Investments, LLC d/b/a Brazos Licensing and Development
("Plaintiff"), through its attorneys, complains of F5 Networks, Inc. ("Defendant"), and alleges
the following:

PARTIES

1. Plaintiff WSOU Investments, LLC d/b/a Brazos Licensing and Development is a
corporation organized and existing under the laws of Delaware that maintains its principal place
of business at 605 Austin Avenue, Suite 6, Waco, Texas 76701.

THE '940 PATENT

8. The '940 Patent is entitled "Method and apparatus for targeted content delivery based on internet video traffic analysis," and issued 08/21/2012. The application leading to the '940 Patent was filed on 01/30/2008. A true and correct copy of the '940 Patent is attached hereto as Exhibit 1 and incorporated herein by reference.

9. The '940 Patent is valid and enforceable.

COUNT 1: INFRINGEMENT OF THE '940 PATENT

10. Plaintiff incorporates the above paragraphs herein by reference.

11. Direct Infringement. Defendant has been and continues to directly infringe one or more claims of the '940 Patent in at least this District by making, using, offering to sell, selling and/or importing, without limitation, at least the Defendant products identified in the charts incorporated into this Count below (among the "Exemplary Defendant Products") that infringe at least the exemplary claims of the '940 Patent also identified in the charts incorporated into this Count below (the "Exemplary '940 Patent Claims") literally or by the doctrine of equivalents. On information and belief, numerous other devices that infringe the claims of the '940 Patent have been made, used, sold, imported, and offered for sale by Defendant and/or its customers.

12. Defendant also has and continues to directly infringe, literally or under the doctrine of equivalents, the Exemplary '940 Patent Claims, by having its employees internally test and use these Exemplary Products.

13. **Actual Knowledge of Infringement.** The service of this Complaint upon Defendant constitutes actual knowledge of infringement as alleged here.

1 14. Despite such actual knowledge, Defendant continues to make, use, test, sell, offer
2 for sale, market, and/or import into the United States, products that infringe the '940 Patent. On
3 information and belief, Defendant has also continued to sell the Exemplary Defendant Products
4 and distribute product literature and website materials inducing end users and others to use its
5 products in the customary and intended manner that infringes the '940 Patent. *See* Exhibit 2
6 (described below).

7 15. **Induced Infringement.** Defendant therefore actively, knowingly, and
8 intentionally has been and continues to induce infringement of the '940 Patent, literally or by the
9 doctrine of equivalents, by selling Exemplary Defendant Products to their customers for use in
10 end-user products in a manner that infringes one or more claims of the '940 Patent.

11 16. **Contributory Infringement.** Defendant therefore actively, knowingly, and
12 intentionally has been and continues materially contribute to their own customers infringement
13 of the '940 Patent, literally or by the doctrine of equivalents, by selling Exemplary Defendant
14 Products to their customers for use in end-user products in a manner that infringes one or more
15 claims of the '940 Patent. The Exemplary Defendant Products are especially made or adapted for
16 infringing the '940 Patent and have no substantial non-infringing use. For example, in view of
17 the preceding paragraphs, the Exemplary Defendant Products contain functionality which is
18 material to at least one claim of the '940 Patent.

19 17. Exhibit 2 includes charts comparing the Exemplary '940 Patent Claims to the
20 Exemplary Defendant Products. As set forth in these charts, the Exemplary Defendant Products
21 practice the technology claimed by the '940 Patent. Accordingly, the Exemplary Defendant
22 Products incorporated in these charts satisfy all elements of the Exemplary '940 Patent Claims.
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19. Plaintiff is entitled to recover damages adequate to compensate for Defendants infringement.

20. Under Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff respectfully requests a trial by jury on all issues so triable.

JURY DEMAND

20. Under Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff respectfully requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the following relief:

- A. A judgment that the '940 Patent is valid and enforceable
- B. A judgment that Defendant has infringed directly, contributorily, and/or induced infringement of one or more claims of the '940 Patent;
- C. An accounting of all damages not presented at trial;
- D. A judgment that awards Plaintiff all appropriate damages under 35 U.S.C. § 284 for Defendants past infringement with respect to the '940 Patent.
- E. A judgment that awards Plaintiff all appropriate damages under 35 U.S.C. § 284 for Defendants continuing or future infringement, up until the date such judgment is entered with respect to the '940 Patent, including pre- or post-judgment interest, costs, and disbursements as justified under 35 U.S.C. § 284;
- F. And, if necessary, to adequately compensate Plaintiff for Defendants infringement, an accounting:

- i. that this case be declared exceptional within the meaning of 35 U.S.C. § 285 and that Plaintiff be awarded its reasonable attorneys fees against Defendant that it incurs in prosecuting this action;
- ii. that Plaintiff be awarded costs, and expenses that it incurs in prosecuting this action; and
- iii. that Plaintiff be awarded such further relief at law or in equity as the Court deems just and proper.

1 Dated: January 29, 2021

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